

RECEIVED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

APR 21 2015 IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

JAMES L. ...
By: *[Signature]* Clerk

ATLANTA DIVISION

STEVEN ALLEN SWINTON

(Print your full name)

Plaintiff *pro se*,

CIVIL ACTION FILE NO.

1:15-CV-1261

v.

*S. BETTER FOODS d/B/A PAPA JOHN'S
PIZZA*

(to be assigned by Clerk)

(Print full name of each defendant; an
employer is usually the defendant)

Defendant(s).

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):



Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

_____ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

✓
_____ Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

_____ Other (describe) _____

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:

Name

STEVEN ALLEN SWINTON

Address

2447- HAZEL DRIVE S.E.
ATLANTA, GEORGIA 30316

4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:

Name

S BETTER Foods d/B/A Papa John's pizza

Address

1098-MORELAND AVE S.E.
ATLANTA GA. 30316

Name

Address

Name

Address

Location and Time

5. If the alleged discriminatory conduct occurred at a location different from the address provided for defendant(s), state where that discrimination occurred:

No

6. When did the alleged discrimination occur? (State date or time period)

DEC - 4 - 2014 600 pm

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

JAN - 22 - 2015

9. If you are suing for **age discrimination**, check one of the following:

☒ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

☐ Yes

☐ No

☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

☐ failure to hire me
☐ failure to promote me
☐ demotion
☒ reduction in my wages
☒ working under terms and conditions of employment that differed from similarly situated employees
☒ harassment
☒ retaliation
☐ termination of my employment
☐ failure to accommodate my disability
☐ other (please specify) _____

13. I believe that I was discriminated against because of (check only those that apply):

☒ my race or color, which is BLACK
☐ my religion, which is _____
☒ my sex (gender), which is ☒ male ☐ female
☐ my national origin, which is _____
☒ my age (my date of birth is 11-8-1956)
☒ my disability or perceived disability, which is:
Hip Injury
☒ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation
☐ other (please specify) _____

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

THE MANAGER NEVER TAUGHT THE FULL OPERATION OF MAKING THE PIZZA TO ME; BUT HE TAUGHT EVERY ONE ELSE, I WAS A DELIVERY DRIVER HE WOULD LIMIT MY RUNS AND GIVE OTHER WORKERS TO MANY RUNS. THE DAYS I REPORTED TO WORK THERE WERE SO MANY DRIVERS THAT WERE NOT SCHEDULED TO WORK BUT I COULD NOT WORK IF I WAS NOT ON THE SCHEDULE THE OTHER DRIVERS TRIED TO BULLY ME BY SABOTAGING MY DELIVERIES WHEN I REPORTED TO THE MANAGER HE DID NOTHING, THE FEMALE DRIVERS TRIED TO BUMP INTO ME AND REINJURE MY HIP WHILE WORKING, I REPORTED TO THE MANAGER, HE SAID I WAS OVER-REACTING WHEN A DRIVER GOT ROBBED NO ONE WHO KNEW WOULD TELL ME AND THEY WOULD SEND BACK TO THE SAME NEIGHBORHOOD HOPING I WOULD GET ROBBED

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

15. Plaintiff ☒ still works for defendant(s)
☒ no longer works for defendant(s) or was not hired

16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? ☐ Yes ☒ No

If you checked "Yes," please explain: _____

17. If your case goes to trial, it will be heard by a judge ~~unless~~ you elect a jury trial. Do you request a jury trial? ☐ Yes ☒ No

Request for Relief

As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

- ☐ Defendant(s) be directed to _____

☒ Money damages (list amounts) _____

☒ Costs and fees involved in litigating this case

☐ Such other relief as may be appropriate

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this _____ day of _____, 20_____

(Signature of plaintiff *pro se*)

(Printed name of plaintiff *pro se*)

(street address)

(City, State, and zip code)

(email address)

(telephone number)

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Steven Swinton**
2447 Hazel Dr.
Atlanta, GA 30316

From: **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2015-01627

Richard S. Strouse,
Investigator

(404) 562-6832

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission 

Enclosures(s)

Bernice Williams-Kimbrough,
District Director

JAN 22 2015

(Date Mailed)

cc:

Owner
PAPA JOHN'S PIZZA
1098 Moreland Ave.
Atlanta, GA 30316

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 410-2015-01627 </div> </div>	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Steven Swinton		Home Phone (Incl. Area Code) (404) 452-6968	Date of Birth 11-08-1956
Street Address 2447 Hazel Dr., Atlanta, GA 30316		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name S BETTER FOODS D/B/A PAPA JOHNS PIZZA		No. Employees, Members 15 - 100	Phone No. (Include Area Code) (404) 622-0600
Street Address 1098 Moreland Ave., Atlanta, GA 30316		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 12-04-2014 </div> <div> Latest 12-04-2014 </div> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I was employed as a Pizza Delivery Driver from September 28, 2014 to December 4, 2014. On December 4, 2014, I was discharged.</p> <p>Morris (last name unknown), Supervisor, did not give me a reason for the discharge.</p> <p>I believe that I have been discriminated against because of my disability, in violation of Title I of the Americans with Disabilities Act of 1990, as amended, and my age (58), in violation of the Age Discrimination in Employment Act of 1967, as amended.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> Jan 05, 2015 Date </div> <div style="text-align: center;"> Charging Party Signature </div> </div>	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)